

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37499

STATE OF IDAHO,	)	2010 Unpublished Opinion No. 723
	)	
Plaintiff-Respondent,	)	Filed: December 1, 2010
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
JERROD D. PORTMAN,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Second Judicial District, State of Idaho, Nez Perce County. Hon. Carl B. Kerrick, District Judge.

Judgment of conviction and unified sentence of seven years, with a minimum period of confinement of two years, for lewd conduct with child under sixteen, affirmed; order relinquishing jurisdiction, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jordan E. Taylor, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge; GRATTON, Judge;  
and MELANSON, Judge

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PER CURIAM

Jerrold D. Portman pled guilty to lewd conduct with a child under sixteen. Idaho Code § 18-1508. The district court sentenced Portman to a unified term of seven years with two years determinate and retained jurisdiction. Following the period of retained jurisdiction, the district court relinquished jurisdiction. Portman appeals asserting that the district court abused its discretion by imposing an excessive sentence and by relinquishing jurisdiction.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State*

*v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

We note that the decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. We hold that Portman has failed to show that the district court abused its discretion.

Therefore, Portman's judgment of conviction and sentence and order relinquishing jurisdiction are affirmed.